

## Moab Planning Commission Agenda Item

Meeting Date: May 13, 2021, 2021

**Title: Public Hearing and Potential Recommendation to the City Council** on Proposed Ordinance #2021-06, An Ordinance Approving a Zoning Map Amendment for Property located at Parcel #01-0001-0173, approximately 398 Kane Creek Blvd, Moab UT 84532, Amending the subject parcel zone from RA-1 Residential-Agricultural Zone, to R-3 Multi-Household Residential Zone.

**Date Submitted:** March 8, 2021  
**Staff Presenter:** Nora Shepard, Planning Director  
**Property Owner:** Neil Johnson  
**Applicant:** Jacob Satterfield, potential parcel purchaser (with permission of the property owner)  
**Location:** 389 Kane Creek Blvd, Moab, UT, 84537  
**Zoning:** Currently Zoned RA-1 Residential – Agricultural Zone  
Requesting R-3 Multi-household Residential Zone  
**Parcel Size:** 9.98+/- acres  
**Parcel No:** 01-0001-0173

### Attachment(s):

Exhibit A: Draft Ordinance 2021-06 (to be distributed to Planning Commission prior to the meeting)  
Exhibit B: Location Map  
Exhibit C: Vicinity Map with surrounding zoning  
Exhibit D: Public Comments  
Exhibit E: RA-1 Zone Regulations 17.54  
Exhibit F: PUD Code regulations 17.66  
Exhibit G: R-3 Regulations 17.48

### Options:

1. Forward a positive recommendation to City Council on Ordinance 2021-06 An Ordinance Approving a Zoning Map Amendment for Property located at Parcel #01-0001-0173, approximately 398 Kane Creek Blvd, Moab UT 84532, Amending the subject parcel zone from RA-1 Residential-Agricultural Zone, to R-3 Multi-Household Residential Zone.
2. Continue or table action to a later meeting with specific direction to City Staff and Applicant as to additional information needed to make a decision; or
3. Forward a negative recommendation, giving specific findings for the decision.

### Motion for a Positive Recommendation:

4. **I move to forward a positive recommendation to the City Council on Ordinance 2021-06 An Ordinance Approving a Zoning Map Amendment for Property located at Parcel #01-0001-0173, approximately 398 Kane Creek Blvd, Moab UT 84532, Amending the subject parcel zone from RA-1 Residential-Agricultural Zone, to R-3 Multi-Household Residential Zone.**

**Background:**

An application for a Rezone for the 9.98 acre parcel located at approximately 389 Kane Creek Blvd was submitted on March 8, 2021. This application was reviewed by City Staff and the Development Review Team. Notice of the public hearing was published as required by the Moab Municipal Code (MMC) and notices were sent to adjacent property owners.

Jacob Satterfield is negotiating with the property owner, Neil Johnson to purchase the property. Mr. Johnson has given Mr. Satterfield permission to file the application for a change to the zoning. There is no specific project being proposed at this time as this request is for a rezone only. If the rezone is granted, the applicant has indicated that he is interested in applying for “entry level housing.” The Planning Commission is not reviewing a specific application at this time. The City is not initiating this rezone request. Any property owner can, if they wish, seek to rezone property.

**Project Summary**

Parcel Description – The property being considered for rezone has frontage on Kane Creek Blvd. While the County has not assigned an official address since there is no development on the parcel, the address will be 389 Kane Creek Blvd. Exhibit B is a location Map. As mentioned, the parcel is nearly 10 acres and is currently undeveloped. It is located in a pocket of RA-1 Residential-Agricultural Zoning. The character of this pocket of development is primarily larger lots. There is no City Sewer in this pocket of development and most of the homes have septic tanks for wastewater.

The subject parcel has frontage on Kane Creek Drive. Surrounding Zoning includes:  
 RA-1 Residential-Agricultural  
 R-3 Multi-household Residential  
 I-1 Industrial  
 Floodway (Pack Creek)  
 C-3 Central Commercial (across Pack Creek)

Exhibit C shows the subject parcel and the existing zoning in the vicinity. The parcel across Kane Creek Blvd is zoned R-3 and contains multifamily units. The Industrial Zone is adjacent to the parcel on the west side. The Pack Creek Floodway borders the property to the east and all other surrounding parcels are RA-1.

**Process: Zoning Map Change Criteria**

Section 17.04.060 of the Moab Municipal Code sets forth criteria to consider when reviewing a Zoning Map Amendment. The criteria are listed below followed by the applicant’s response to the criteria (in red). City Staff comments follow the applicant’s responses.

*17.04.060 Map amendment and approval criteria. The Planning Commission and City Council shall consider the following criteria in reviewing a proposed map amendment.*

*A. Was the existing zone for the property adopted in error?*

**Applicant:**

*We couldn't say if it was an error or not, we only can make the case that its current zoning is out of date with what appears to be a very well positioned area for the proposed zoning that is up to date with the current needs and demands or the city.*

Staff Comment: No, the existing zone was not likely adopted in error. This area is an enclave of lower density lots.

*B. Has there been a change of character in the area including, but not limited to: the installation of public facilities or new utilities; other approved zone changes; new growth trends; deterioration of existing development; or the need for development transitions?*

**Applicant:**

- *The change of character in the area has been gradual. However, density has increased and recent City projects in the vicinity include trail connectivity enhancements and sewer main up- sizing. Both projects are much needed and help provide for an increase in density for this parcel and the immediate area.*
- *Large residential lots and agricultural land has typically moved to the outskirts of the city or well into the county areas. With current land values, large lots are not effective at providing entry level housing for professionals who do not qualify for subsidized housing.*
- *On the south end of this parcel across Kane Creek Blvd there already is r3 zoning. The west border of this property has commercial zoning. Because of this it would indicate the surrounding zoning is already determining the direction for this property is a different zoning than what is currently in place.*
- *Moab is under intense appreciation with home values. The reason is a simple supply and demand issue. There simply is far too little supply for its needs. Because of this it's hurting the local residents significantly with raising home pricing and costs but not the wages to keep up. With an R3 zoning this land can help in the overall effort that needs to be made in aggressively providing additional inventory of entry level housing to help offset the out-of- control demand bringing the market much needed relief. This site location is appropriate to plan for future affordable options to help fight back the supply and demand issues in the heart of where people want to actually live, in walking distance of downtown, with a mix of attainable housing options, especially for the local workforce.*
- *By being right near Main Street, this location will help to incentivize and make practical other forms of transportation for those living at this location making walking, biking or other forms of green transportation more realistic and likely.*

Staff Comment: Yes, there has been a gradual change of character in the area. Multi-household projects have been, or are planned to be, built in the vicinity.

*C. Is there a need for the proposed zoning within the area or community?*

**Applicant:**

*As explained in the answers to question B it seems clear by market demands that there is without question a need.*

Staff Comment: There is a demonstrated need in the community for a variety of housing types, in particular housing for the employees that make Moab what it is.

*D. Is the proposed zoning classification compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated?*

**Applicant:**

*This proposed zoning would very much be compatible. With similar residential zoning just off Kane Creek it adds more of what is needed and in demand which is also typical when surrounded by commercial applications is more appropriately zoned to have more affordable housing option. As for its adverse impacts it would be quite the opposite which again has been previously explained above.*

Staff Comment: There are several zoning districts surrounding the subject parcel. The parcel has been vacant. It is not, however, zoned for Open Space and it is privately owned. The change in zone will likely result is a multi-household product that will generate additional traffic on Kane Creek Blvd.

*E. Will benefits be derived by the community or area by granting the proposed zoning?*

**Applicant:**

*The benefits are simply matching the zoning to the needs. This location is best used for what is being proposed as more affordable housing options.*

Staff Comment: The primary benefit to the rezone is that it will create an area that could be developed to provide badly needed housing for the citizens and employees of Moab.

*F. Are adequate facilities available to serve development for the type and scope of development suggested by the proposed zoning classification? If utilities are not available, can they be reasonably extended?*

**Applicant:**

*Yes, the development can be adequately designed to serve the property. There will need to be an extension of a sewer line to connect which we are committed to take care of as well as any other utility needs.*

Staff Comment: There is no sewer that provides service to this parcel, or to many of the surrounding large lots in the vicinity. If/when a project is proposed, the applicant would be required to hook into sewer. See more detail on this constraint in below under Issues for discussion.

*G. Does the application conform with the provisions of the Moab General Plan, the Land Use Code, and applicable agreements with affected governmental entities?*

**Applicant:**

*From the information we have provided, it appears that it does conform.*

Staff Comment: The submitted application conforms with many provisions of the Moab General Plan and Land Use Code.

**Public Input:**

This item is scheduled for a public hearing. It is expected that there will be comments submitted via Zoom at the public hearing. As the staff receives written comments, they will be forwarded on to the Planning Commission. Exhibit D is a summary of the comments received as of the date of this report.

**Issues for Discussion:**Sewer

A specific project has not been applied for at this time.

There is a city sewer about 400 feet away from the parcel. To hook into that sewer, the connection would have to cross Pack Creek, most likely via a utility bridge or by tunneling underneath. That permit would require a permit from the Army Corps of Engineers. The applicant would have to contact the city's sewer consultant to determine the feasibility of such a connection, or any alternative connection. They would not be allowed to use septic as an option for a new project. In the long term, there is a proposed South Trunk Line constructed that will come down Kane Creek Blvd. That improvement will not likely occur for five to seven years. An engineer representing the applicant wanted to provide the following information:

*"The applicant for this rezone request pointed out that a comment was received questioning sewer availability. We understand that sewer availability is not immediately relevant to the rezone request, but we thought it would be best to clarify this issue.*

*While there are no sewer lines on or immediately adjacent to the property, at least two options for sewer connections are available. There are city sewer lines in Kane Creek Boulevard approximately 800 feet southeast of the property. This sewer line flows north and toward 100W crossing W 200 S immediately east of the property, across Pack Creek. If the annexation is approved and a project moves forward, the applicant will work closely with the City Engineer and Sewer Superintendent to determine the best location to tie to the existing mains.*

*If it is determined that the new sewer should tie into the trunk line in W 200 S, a line will be buried under Pack Creek and extend to 200 S. This work is routine and the Army Corps of Engineers(USACE) will be notified. Normally, temporary impacts to waterways such as pack creek for the purpose of utility installation is covered under the USACE Nationwide Permit. This means that the work does not require an individual permit but requires notification with proper dewatering of the work area along with sedimentation control measures."*

Open Space

This part of the city has been a lower density area which has resulted in open areas. This parcel, however, is privately owned and is not technically preserved as open space. It is a large vacant parcel that has gone undeveloped for many years.

**Permitted Use Comparison**RA-1 Residential-Agricultural Zone

The property is currently zoned RA-1 Residential-Agricultural Zone (see Exhibit E for Code Section). The intent of the zone is:

*17.54.010 Objectives and characteristics.*

*The RA-1 residential-agricultural zone has been established for the primary purpose of providing a location where residential development associated with limited numbers of livestock can be maintained. This zone is currently characterized by large lots or tracts of land interspersed by dwellings, barns, corrals and agricultural service buildings used in connection with farming operations. While the zone is thus characterized, it is intended that the land within this zone shall be further developed into a residential environment exclusive of animals and fowl. Builders and developers of property should bear in mind therefore, that primacy is given in this zone to residential development and that the raising of animals and fowl will likely be curtailed as residential development takes place. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the RA-1 residential-agricultural zone. (Prior code § 27-19-1)*

Permitted uses include primarily agricultural uses, but also includes:

Cemeteries

Day care

Golf courses

Group homes

Home Occupations

One-household dwellings and accessory uses

Places of worship

Planned unit developments

Public facilities

Public parks

Raising, care and keeping of animals and fowl for household uses

Schools

Utility provider structures

Veterinary clinic with kennel

The area requirements are:

*17.54.030 Area requirements.*

*The minimum building site area shall be one recorded lot or parcel of land not less than one acre in area for each one-household dwelling, day care nursery, or rest home and not less than five acres for each planned unit development. (Ord. 19-13 § 21 (part), 2019; prior code § 27-19-3)*

The ground floor area of any one-household and two-household dwellings shall be not less than one thousand square feet, except in a Planned Unit Development. The Planned Unit Development section of the MMC allows for small scale development to have an allowable density of 8 units per acre in the R-3, R-4 and C-1 Zones. RA-1 zones do not qualify. Large scale planned unit developments require a minimum of 5 acres and the standard allowable density shall be six dwelling units per acre. This applies in the R-1, R-2 and RA-1 Zone.

Exhibit F is MMC 17.66 Planned Unit Developments. There are extensive development standards that would apply under a Planned Unit Development. The maximum density would be about 60 units.

R-3 Multi-household Residential Zone (see Exhibit G).

The proposed zone is R-3 Multi-household Zone. The intent of the zone is as follows:

*17.48.010 Objectives and characteristics.*

*The objective in establishing the R-3 residential zone is to provide appropriate locations within the City for high density residential development. In general, this zone is located in the central part of the City, adjacent to commercial areas where the impact of vehicular travel and parking is consonant with adjacent use of land, and where multiple dwellings can best be supplied with necessary public facilities. This zone is characterized by more compact development and somewhat higher volumes of traffic than is characteristic of the R-1 and R-2 zones.*

*Representative of the uses within the R-3 zone are one-household, two-household, three-household and four-household dwellings and apartment houses, and related community facilities. However, commercial and industrial uses are prohibited therein. Owners and developers of property should bear in mind that primacy is given to multiple household dwellings, boarding houses, rest homes and other high density residential uses, and should develop and maintain their property in recognition thereof.*

*In order to accomplish the objectives and purposes of this title and to promote the characteristics of this zone, the following regulations shall apply in the R-3 residential zone.*

The zone allows for a variety of permitted uses, including:

- Agriculture
- Daycare
- Foster homes and group homes
- Home occupations
- Multi-household dwellings
- One-household dwellings and accessory uses
- Places of worship
- Planned Unit Developments
- Public facilities
- Public libraries
- Public parks and public recreation buildings
- Schools
- Two-household dwellings and accessory uses

The area requirements are:

*17.48.030 Area requirements.*

*An area of not less than five thousand square feet shall be provided and maintained for each one-household dwelling and two-household dwellings. All other multi-household development shall provide a minimum of two thousand square feet per unit for three-household dwellings and above. Schools, churches, boarding houses and other main buildings shall have a building site area in which the area of the building is equal to or less than twenty percent of the total parcel size area.*

*An area of not less than three acres shall be provided and maintained for each planned unit development, except that there shall be no area requirements for additions to an approved planned unit development. (Ord. 19-13 § 21 (part), 2019; Ord. 13-01 (part), 2013; Ord. 97-04, 1997: prior code § 27-17-3)*

The maximum permitted density would be about 217 units. The maximum permitted density for a planned unit development is 10 units per acre, or about 99 units.